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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,063

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Takayoshi Fujino

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EXAMINER

MAZUMDAR, SONYA

ART UNIT

PAPER NUMBER

1791

NOTIFICATION DATE

DELIVERY MODE

07/22/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/551,063	<b>Applicant(s)</b> FUJINO ET AL.	
	<b>Examiner</b> SONYA MAZUMDAR	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-12, 17-19, 21 and 23 is/are rejected.
- 7) ☒ Claim(s) 13-16, 20, 22 and 24-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/17/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the through-hole opening of claim 11 must be shown or the feature canceled from the claim. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claim 13 is objected to because of the following informalities: “said suction member” should be added after “said holding surface” in line 5 to clarify the limitation. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10, 11, 12, 18, 19, 21, and 23 are rejected under 35 U.S.C. 102(b) as being unpatentable by Lustig et al. (US 5,733,410)

With respect to claims 10 and 18, Lustig et al. teach a device for applying an adhesive tape, comprising:

- a holding mechanism (24) for holding an adhesive tape (12) where the adhesive surface faces outward, the adhesive tape being provided with a profile to conform with a profile of a surface to which the adhesive tape is to be adhered, and
- a pressing mechanism (22) for pressing the adhesive tape held by the holding mechanism onto the objective surface area (16);

wherein said holding mechanism includes: a suction member (51) provided with a curved, elastic holding surface (column 3, lines 30-35) to hold the back surface of the adhesive tape, a base member (26) supporting said suction member shiftably in parallel displacement in a pressing direction transverse to the holding surface, and a vacuum

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source (48) connected to the suction member and capable of generating a vacuum, i.e. negative pressure, adjacent to the holding surface to hold the adhesive tape; and

wherein said pressing mechanism includes a drive section (34, 36, 38) for shifting said suction member in parallel displacement in said pressing direction relative to said base member, to press said adhesive surface of the adhesive tape held by suction onto the objective surface area (column 2, line 13-column 3, line 2; Figures 1 and 2).

With respect to claim 11, Lustig et al. teach a suction member to include an elastic wall provided with a through-hole opening (right-most channel, 46) in the holding surface, a negative pressure chamber formed adjacent to the elastic wall at a side, opposite to the holding surface, communicated with the holding surface via the through-hole opening and connected to the vacuum source (48), and an elastic column supporting the elastic wall of suction member (column 2, lines 55-62; column 3, lines 35-42).

With respect to claim 12, Lustig et al. teach providing a negative pressure chamber includes a plurality of negative pressure regions (46) formed separately from each other, individually communicated with said holding surface and individually connected to said vacuum source, each of the negative pressure regions being provided with the elastic column (Figures 1 and 2).

With respect to claims 19, 21, and 23, Lustig et al. teach a positioning mechanism (40, 42, 44) for positioning the holding mechanism at a predetermined adhering-preparation position in the objective surface area (Figure 1).

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. as applied to claim 12 above, and further in view of Parker et al. (US 6,546,958)

The teachings of claim 12 are as described above.

Ludwig et al. do not specifically teach a vacuum source to include a plurality of vacuum generators independent from each other, individually connected to the plurality of negative pressure regions. However, it would have been obvious to one having ordinary skill in the art to do so, as Parker et al. teach providing multiple vacuum sources, in alternative to one, to provide different vacuum levels to cavities in order to retain label segments of different characteristics (column 5, lines 21-41; Figure 6).

***Allowable Subject Matter***

9. Claims 13, 14, 15, 16, 20, 22, 24, 25, 26, 27, 28, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not teach a device for applying an adhesive tape where a suction member includes a plurality of suction blocks formed separately from each other, respectively having said negative pressure regions and being combined with each other, the suction blocks being respectively provided with holding surface regions cooperating with each other to define the holding surface of a suction member.

The prior art also does not teach a device for applying an adhesive tape providing a positioning mechanism including a first engagement member fixedly held on a base member of a suction member, a second engagement member movably held on the base member, and a drive element for moving the second engagement member relative to the base member; the first and second engagement members being fixedly engaged with an article having an objective surface area, under a driving operation of

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said drive element, to locate the suction member to the adhering-preparation position.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONYA MAZUMDAR whose telephone number is (571)272-6019. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SM

/Philip C Tucker/  
Supervisory Patent Examiner, Art Unit 1791